

In the Matter Of:

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY

30(B)(6) VIDEOTAPED DEPOSITION OF YUZON WU

July 26, 2016



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NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
30(B)(6) VIDEOTAPED DEPOSITION OF YUZON WU on 07/26/2016

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING) MDL #02419
PHARMACY, INC. PRODUCTS) DOCKET NO.:
LIABILITY LITIGATION) 1:13-md-2419-RWZ

_____)
This document relates to:)
All Cases against the Box Hill)
Defendants)

_____)
VIDEOTAPED DEPOSITION OF:

YUZON WU,
was held on Tuesday, July 26, 2016, commencing at
10:18 a.m., at the Maryland Board of Pharmacy,
4201 Patterson Avenue, Baltimore, Maryland, before
Cheryl Jefferies, Certified Shorthand Reporter.



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30(B)(6) VIDEOTAPED DEPOSITION OF YUZON WU on 07/26/2016

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1 APPEARANCES:

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3 On behalf of the MARYLAND BOARD OF PHARMACY:

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22 On behalf of PLAINTIFFS ARMETTA, TORBECK, KASHI,
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30(B)(6) VIDEOTAPED DEPOSITION OF YUZON WU on 07/26/2016

Page 3

1 APPEARANCES:

2 On behalf of DEFENDANTS BOX HILL SURGERY CENTER,
3 LLC., RITU T. BHAMBHANI, M.D., and RITU T.

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19 and DR. KENNETH LISTER:

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ALSO PRESENT: Carlos Garcia, Videographer
Jeffrey Wettengel, Observer
Adam Janet, Observer



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1 and also "the National Association of Boards of
2 Pharmacy (NABP) to perform inspections of" our
3 "out of state pharmacy establishments."

4 So the Maryland Board of Pharmacy had
5 a relationship with the National Association
6 Boards of Pharmacy, correct?

7 A. Correct, yes.

8 Q. Okay. And what does this statement
9 mean?

10 A. The one that you just read?

11 Q. Yes. I'm sorry, yeah. The
12 National -- I'm talking about the National
13 Association part of it, "National Association of
14 Boards of Pharmacy to perform inspections of out
15 of state pharmacy establishments"?

16 A. So what does that mean? It says, "the
17 National Boards of Pharmacy perform inspections
18 for out of state pharmacies."

19 Q. Okay. And so they did -- they did
20 perform -- were they performing them on behalf of
21 the Maryland Board of Pharmacy?

22 A. If they're asked to, I think they
23 would be performing that for this Board.

24 Q. Do you know what that would entail,
25 you know, what the National Association Boards of



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1 that they were sister agencies?

2 A. When? It's around after the outbreak,
3 I think. I think.

4 Q. Okay. So, generally, it wasn't until
5 the outbreak that you learned? You didn't know
6 about that before the outbreak?

7 A. Correct.

8 Q. Okay. Would you have known that for
9 part of the time that they were -- well, let me
10 ask you this question first: Was Ameridose also
11 registered or licensed with the Maryland Board of
12 Pharmacy?

13 A. I think so, but I cannot be sure. I
14 think they were at that point. I can't be sure.

15 Q. Let me show you something. So I --
16 for the record, I did ask for I think one of the
17 topics discussed of Ameridose in terms of
18 document production. I don't know that I got
19 anything from Ameridose. But I did go -- does
20 the Board of Pharmacy have on their website, have
21 a -- like a facility search feature, a licensee
22 look-up feature?

23 A. It does.

24 MR. KIRBY: Okay. So maybe we can
25 mark the Ameridose one. So give me one to mark



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In the Matter Of:

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY

VIDEOTAPED DEPOSITION OF YUZON WU, VOLUME II

August 29, 2016



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NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF YUZON WU, VOLUME II on 08/29/2016

Page 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING) MDL #02419
PHARMACY, INC. PRODUCTS) DOCKET NO.:
LIABILITY LITIGATION) 1:13-md-2419-RWZ

_____)
This document relates to:)
All Cases against the Box Hill)
Defendants)

_____)
VOLUME II DEPOSITION OF:

YUZON WU,
was held on Monday, August 29, 2016, commencing
at 11:08 a.m., at the Maryland Board of Pharmacy,
4201 Patterson Avenue, Baltimore, Maryland,
before Cheryl Jefferies, Certified Shorthand
Reporter.



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VIDEOTAPED DEPOSITION OF YUZON WU, VOLUME II on 08/29/2016

Page 2

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16 MICHAEL COREN, ESQ.
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24 On behalf of PLAINTIFFS ARMETTA, TORBECK, KASHI,
25 BOWMAN, DREISCH, DAVIS, FARTHING AND OTHER
PLAINTIFFS:

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8 ALSO PRESENT: Maribeth Powers, Videographer
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I-N-D-E-X

Volume II Videotaped Deposition of YuZon Wu

August 29, 2016

EXAMINATION BY:

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Mr. Kirby

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Mr. Coren

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Mr. Kirby

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EXHIBITS:

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1585-12 NECC Customer List

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1585-13 Report to Governor and the General
Assembly on the Implementation of
Title 12, Subtitle 4A

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1585-14 Maryland Board of Pharmacy News

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1585-15 About the Board - Mission Statement

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1585-16 Baltimore Sun Article

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1585-17 Baltimore Sun Article

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(Exhibits included with transcript.)



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1 MR. KIRBY: I'm sorry, did you say
2 "ethical"?

3 MR. COREN: Yes.

4 A I don't know; I can't respond to that,
5 ethical.

6 Q All right. Let me withdraw the word
7 "ethical" because I'm showing my age.
8 Prescription drugs when I grew up were called
9 ethical drugs.

10 Is MPA, whether it is
11 preservative-free or not, a prescription drug
12 under the laws of Maryland?

13 MR. KIRBY: Objection.

14 A Maryland doesn't stipulate what
15 constitute a drug. You know, the FDA would
16 approve and review a drug and make sure that
17 that's a legitimate drug.

18 Q Understood. And I didn't mean to, by
19 using earlier the word "ethical" in this. I may
20 have confused the issue. Let me take another
21 stab.

22 In order to obtain MPA, whether its
23 preservative-free or not, is a prescription
24 required signed by a doctor?

25 MR. KIRBY: Objection to form and



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1 foundation.

2 A If a pharmacist can dispense a drug, a
3 prescription drug, then, yes, a compounded
4 prescription drug, then you would need a
5 prescription written by the physician, and it has
6 to be a patient-specific prescription.

7 Q Okay. Earlier today -- could you
8 regain or find in your pile Exhibit 1585-14?
9 That's the Maryland Board of Pharmacy newsletter?

10 A Sure.

11 Q And you were asked a number of
12 questions about this document earlier today. Do
13 you recall that?

14 A Yes.

15 Q And do you -- could we turn to Page 7?

16 A Okay.

17 Q And I believe that it would have --

18 A I apologize.

19 Q Oh, I'm sorry, Page 4. My apologies.

20 A 4? Okay.

21 Q I saw it continued on Page 7. My eye
22 caught that.

23 If you would please turn to Page 4.

24 A 4? Okay.

25 Q And at the top of Page 4, I don't



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1 A So you want me to read the last
2 sentence in that paragraph?

3 Q No, I want you to read into the record
4 the paragraph starting with "The Board's."

5 A "The Board's goal in conducting annual
6 inspections at all Maryland pharmacies is to
7 ensure that pharmacies operate in compliance with
8 state and federal rules and regulations. They
9 are provided to assure" patients "safety" --

10 Q Public safety you mean?

11 A Public safety, yes -- "thus preventing
12 a similar outbreak to that which recently
13 occurred in Maryland and elsewhere across the
14 country. Remember also that compounding
15 medications without a patient-specific
16 prescription is a violation of COMAR 10.34.19.08
17 as well as other provisions in the Maryland
18 Pharmacy Act."

19 Q Thank you.

20 A You're welcome.

21 Q That is the position of the
22 department -- excuse me, the Board of
23 Pharmacists -- Pharmacy, which you're here
24 representing today?

25 A Yes.



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